

Amendment and Request for Reconsideration (37 CFR § 1.116)**REMARKS**

The above amendments and following remarks are responsive to the points raised in the October 5, 2007 final Office Action. Upon entry of the above amendments, Claims 1-5, 7, 8, 11, 16, 17, 19, 24, 33-36, 38, 43, 46-49, 66, 69, and 70 will have been amended, Claims 21 and 23 will have been canceled without prejudice or disclaimer, Claims 55-65 will have been withdrawn from further consideration as being directed to a non-elected invention, and Claims 1-20, 22, and 24-70 will be pending. No new matter has been introduced. No new issues have been raised that require further consideration or search. Entry and reconsideration are respectfully requested.

**Response to the Rejection under 35 U.S.C. § 103(a)**

Claims 1-50 and 52-54 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent 6,521,551 to Mass et al. (Mass) in view of US Patent 5,804,275 to Tsunefuji. Claims 36 and 37 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mass in view of Tsunefuji and further in view of US Patent 4,697,407 to Wasserman. Claims 50 and 51 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mass in view of Tsunefuji and further in view of US Patent 6,660,378 to Chizmas. Claims 66-70 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mass in view of Tsunefuji. Applicants respectfully traverse these rejections and submit that the applied references of Mass, Tsunefuji, Wasserman, and/or Chizmas, either alone or in combination, do not teach, suggest, or would have motivated one of ordinary skill in the art, at the time the invention was made, to have modified the teaching of Mass, as advanced by the Examiner, and arrive at the subject matter recited in Applicants' claims.

Independent Claim 1 has been amended to recite a netting comprising longitudinal ribbons and interconnecting transverse ribbons including:

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“each longitudinal ribbon comprises a single strand of material looped at regular intervals throughout said each longitudinal ribbon forming a plurality of apertures and a plurality of links, adjacent apertures of said plurality of apertures being separated by a respective link of said plurality of links, said netting including at least one interconnecting reflective indicator extending from an end of the netting along a longitudinal direction of the netting, said at least one interconnecting reflective indicator interconnecting through at least a portion of said plurality of apertures of the plurality of longitudinal ribbons in a manner such that said at least one interconnecting reflective indicator includes an elongation capability between 0% and at least 40% when the netting is elongated.”

The amendments to independent Claims 19, 38, 43, 46, 47-49, 66, 69, and 70 are consistent with amendments to independent Claim 1. Support for the above amendments may be found in the detailed description of at least Figure 2 and, in particular, the first full paragraph on at least Page 2 of the specification.

The applied reference of Mass is directed to a modified schuss knitted netting 16 including franzes 20 and modified schusses 18. Nowhere is it seen within the disclosure of Mass, where Mass teaches or suggests that (1) each franze 20 comprises a single strand of material looped at regular intervals throughout the each franze forming a plurality of apertures and a plurality of links, adjacent apertures of said plurality of apertures being separated by a respective link of the plurality of links, and (2) a netting that includes at least one interconnecting reflective indicator extending from an end of the netting along a longitudinal direction of the netting 16, the at least one interconnecting reflective indicator interconnecting through at least a portion of said plurality of apertures of the plurality of longitudinal ribbons in a manner such that said at least one interconnecting reflective indicator includes an elongation capability between 0% and at least 40%, or up to 200%, when the netting is elongated.

The teaching of Tsunefuji is directed to a fiber product including reflective threads. The Tsunefuji fiber product is disclosed as being formed as either a woven fabric, woven fabric strip, Jacquard woven fabric, braided string, knitted string, twisted string, crosswise wound thread, crosswise wound string, knitted fabric, or knitted lace. Tsunefuji, however, neither teaches nor

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suggests the fiber product disclosed therein as being formed as, or incorporated into, any type of knitted netting, including a schuss-type knitted netting. In addition, Tsunefuji advances no teaching or suggestion of (1) each longitudinal ribbon of a netting comprising a single strand of material looped at regular intervals throughout each longitudinal ribbon forming a plurality of apertures and a plurality of links, adjacent apertures of the plurality of apertures being separated by a respective link, and (2) interconnecting at least one reflective indicator into a netting through at least a portion of the plurality of apertures of the plurality of longitudinal ribbons in a manner such that the at least one interconnecting reflective indicator includes an elongation capability between 0% and at least 40%, or up to 200%, when the netting is elongated. Tsunefuji includes no teaching or suggestion that would have motivated one of ordinary skill in the art, at the time the invention was made, to modify the teaching of Mass and arrive at the subject matter of Applicants' claims. As such, the subject matter of Applicants' Claims 1-20, 21, 23-50, 52-54 and 66-70, as well as dependent Claims 36, 37, 50, and 51, are distinguished over Mass and Tsunefuji, either alone or in combination.

The Examiner, in rejecting Claims 36, 37 and Claims 50 and 51, relies upon the teachings of either Wasserman or Chizmas, respectively. Wasserman is directed to a thread-like retroreflective fiber. Chizmas is directed to a cable having a glow-in-the-dark outer surface comprises a coating chosen from the group consisting of a paint, dye and a tape. Neither Wasserman nor Chizmas teach or suggest a knitted netting. Likewise, Wasserman and/or Chizmas advance no teaching or suggestion of (1) each longitudinal ribbon of a netting comprising a single strand of material looped at regular intervals throughout each longitudinal ribbon forming a plurality of apertures and a plurality of links, adjacent apertures of the plurality of apertures being separated by a respective link, and (2) interconnecting at least one reflective indicator into a netting through at least a portion of the plurality of apertures of the plurality of longitudinal ribbons in a manner such that the at least one interconnecting reflective indicator

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includes an elongation capability between 0% and at least 40%, or up to 200%, when the netting is elongated. Wasserman and/or Chizmas includes no teaching or suggestion that would have motivated one of ordinary skill in the art, at the time the invention was made, to modify the primary teaching of Mass, either alone or modified by Tsunefuji, and arrive at the subject matter of Applicants' claims. As such, the subject matter of Applicants' Claims 36, 37, 50, and 51 are distinguished over the applied references of Mass, Tsunefuji, Wasserman, and Chismas, either alone or in combination.

Accordingly, the rejections under 35 U.S.C. § 103(a) should be withdrawn.

**CONCLUSION**

Applicants respectfully submit that Claims 1-20, 22, 24-54, and 66-70 are in condition for allowance and a notice to that effect is earnestly solicited.

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**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this paper, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1874-4050.

Respectfully submitted,  
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